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September 5, 2007

**VIA E-FILING AND HAND DELIVERY**

The Honorable Mary Pat Thyng  
 United States District Court  
 J. Caleb Boggs Federal Building  
 844 N. King Street  
 Room 6100, Lockbox 8  
 Wilmington, DE 19801

RE: *Chriss W. Street v. End of the Road Trust, et al.*  
 Case No. 07-cv-65 (\*\*\*)

Dear Magistrate Judge Thyng:

I respectfully write to apprise Your Honor of developments related to the above-captioned action that prompt the plaintiff, Chriss W. Street, to inquire if the Court requires any additional submissions before deciding his motion to remand the action to the Chancery Court of Delaware, where it was commenced and where it would be accorded expedited treatment.

By way of brief background, in January 2007, Mr. Street brought the action in Chancery Court for advancement of fees and expenses to cover his litigation costs in an action commenced against him by the Defendants in the Bankruptcy Court. Mr. Street has contractual rights to payment of these costs under agreements with the Defendants. In February 2007, the Defendants removed the action to the District Court. Mr. Street's remand motion followed and was fully briefed on June 10, 2007, including a surreply and response to a surreply that Your Honor authorized.

Since June 10, 2007, activity has increased exponentially in the underlying case. On July 23, 2007, the Bankruptcy Court entered a Scheduling Order that sets fairly aggressive deadlines for various stages of discovery. A copy of the Scheduling Order is attached hereto. The Scheduling Order sets a deadline for written discovery on September 16, 2007 and the deadline for fact witness deposition discovery on November 16, 2007. As a result of this schedule, in July and August Mr. Street was required to serve a significant number of discovery requests, including requests for production of documents on the Plaintiffs (the Defendants before Your Honor), as well as nearly 30 third party subpoenas. He has been served with two rounds of discovery himself and has

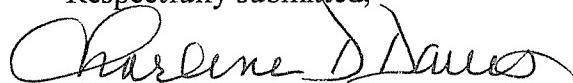
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been forced to prosecute and defend (successfully) motions related to the discovery.<sup>1</sup> His legal fees and expenses are mounting.

Until Your Honor is in a position to decide the remand motion, Mr. Street's entitlement to advancement of these fees and expenses remains only right without remedy and the costs continue to be incurred. Consequently, Mr. Street respectfully inquires whether the Court requires any additional legal authority or argument to rendering a decision. Counsel is available at the Court's convenience.

Respectfully submitted,



Charlene D. Davis

CDD/tlw  
Enclosures

cc: David L. Finger, Esquire (via email and U.S. Mail First Class)  
Robert T. Kugler, Esquire (via email and U.S. Mail First Class)

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<sup>1</sup> Because of the motion practice and the Plaintiff's refusal to produce any documents prior to (1) an order on their motion for a protective order or (2) an order on a confidentiality stipulation, Mr. Street will be forced to move to extend existing deadlines.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
FRUEHAUF TRAILER CORPORATION, <u>et al.</u>	)	Case Nos. 96-1563
	)	through 96-1572 (PJW)
	)	Jointly Administered
Debtor.	)	
	)	
	)	
	)	
DANIEL W. HARROW, AS SUCCESSOR TRUSTEE OF THE END OF THE ROAD TRUST, AND AMERICAN TRAILER INDUSTRIES, INC.	)	
	)	Adversary Proceeding No.: 07-50398-PJW
	)	
Plaintiffs,	)	
-against-	)	
CHRISS W. STREET,	)	
	)	
Defendant.	)	
	)	

RE: Docket No. 32

**SCHEDULING ORDER**

Upon the request of parties for the entry of the Scheduling Order; and the Court having considered the proposed scheduling orders submitted by each party; and the parties having served their initial disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure on or before May 16, 2007; and the Court having conducted a hearing on July 9, 2007;

IT IS HEREBY ORDERED that:

1. Fact Discovery – Written discovery shall be completed on or before September 16, 2007. Depositions of fact witnesses shall be completed on or before November 16, 2007.

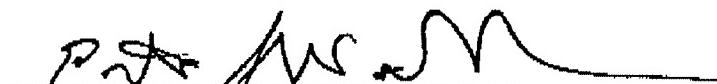
2. Expert Disclosure and Discovery – The parties shall designate and identify all expert witnesses and the substance of their expected testimony and provide an expert report pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure on or before December 17, 2007. The parties shall designate and identify rebuttal experts and the substance of their expected testimony and provide a rebuttal expert report on or before December 31, 2007. All expert depositions shall be completed on or before January 26, 2008.

*at 9:30 am.*

3. Status Conference – A status conference will be held on February 4, 2008, to set further deadlines.

4. Any deadline contained in this Scheduling Order may be extended by agreement of the parties or by the Court upon written motion and for good cause shown.

SO ORDERED this 23 day of July, 2007.

  
The Honorable Peter J. Walsh  
Judge of United States Bankruptcy Court